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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,300	08/20/2003	Francisco Javier Ramirez Aldana	100202899-1	6675

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HEWLETT-PACKARD COMPANY
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EXAMINER

OMGBA, ESSAMA

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,300	Applicant(s) RAMIREZ ALDANA, FRANCISCO JAVIER	
	Examiner Essama Omgba	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,16 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 3 and 12-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/21/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1-8 are objected to because of the following informalities: in claim 1, line 1, "Apparatus" should read --An apparatus--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Spehrley, Jr. Et al. (US Patent 4,194,666).

With regards to claim 1, Spehrley, Jr. Et al. discloses an apparatus for closing a fastener, the apparatus comprising a first member 72 adapted to engage and bend a fastener 74 toward a closed position, a second member (88, 90) defining a recessed fastener guide (120, 122) adapted to engage and bend the fastener toward the closed position, the recessed fastener guide being generally aligned with the first member to receive at least a portion of the fastener guide from the first member (figure 2), structure for moving the first member (col. 5, lines 3-6), and structure 80 for moving the second member relative to the first member to move the fastener toward the closed position (col. 5, lines 10-34).

For claim 2, Applicant should note that the first and second members of Spehrley, Jr. Et al. could be moved simultaneously.

For claims 6 and 8, see col. 5, lines 49-53 and figures 2 and 3.

4. Claims 1, 2, 6, 7-11, 16 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagemann (US Patent 4,593,847).

With regards to claims 1, 6, 7, 9, 11 and 21, Hagemann discloses a media-fastener closing device comprising a first receiver (36, 37) defining a channel receiving a plurality of ends of a media fastener (fig. 2), a second receiver (80) defining a second channel 84 for receiving the plurality of ends of the media fastener from the first channel (col. 6, lines 16-22 and figure 7), a movement device 90 for moving the second receiver, and the second channel relative to the first receiver to close the media fastener (col. 6, lines 25-37). Applicant should note that the channel defined by (36, 37) is disposed on opposite sides of channels in member 80.

For claims 8, 10, 16 and 23, see figure 7.

For claims 2 and 22, Applicant should note that both means for receiving and guiding could be moved simultaneously and independently.

For claim 24, see figure 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spehrley, Jr. et al.

Spehrley, Jr. Et al. discloses an apparatus for closing a fastener as shown above. Although the structure for moving the first member and the structure for moving the second member in the Spehrley, Jr. Et al. reference do not comprise at least one cam defining two cam surfaces and cam followers, however it would have been obvious to one of ordinary skill in the art at the time the invention was made that the structures for moving the first and second members disclosed by Spehrley, Jr. et al. are structurally equivalent to the claimed cam and cam followers.

Allowable Subject Matter

7. Claims 17-20 are allowed.

8. Claims 3 and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba
Primary Examiner
Art Unit 3726

eo
February 17, 2006